



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,751	10/23/2003	Charles N. Archie	FIS920030158	2750
32074	7590	06/28/2006	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORPORATION			STOCK JR, GORDON J	
DEPT. 18G			ART UNIT	
BLDG. 300-482			2877	
2070 ROUTE 52			PAPER NUMBER	
HOPEWELL JUNCTION, NY 12533			DATE MAILED: 06/28/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2877

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1-12**, drawn to a scatterometry target, classified in class 356, subclass 620.
 - II. **Claims 13-18**, drawn to a method of monitoring a photolithographic process, classified in class 356, subclass 237.2.
2. **Inventions I and II** are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case Invention I can be practiced in a process for measuring overlay or in a process for calibrating a scatterometric system using a calibration target.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J Stock whose telephone number is (571) 272-2431. The examiner can normally be reached on 10:00-6:30 p.m. Monday to Friday.

Art Unit: 2877

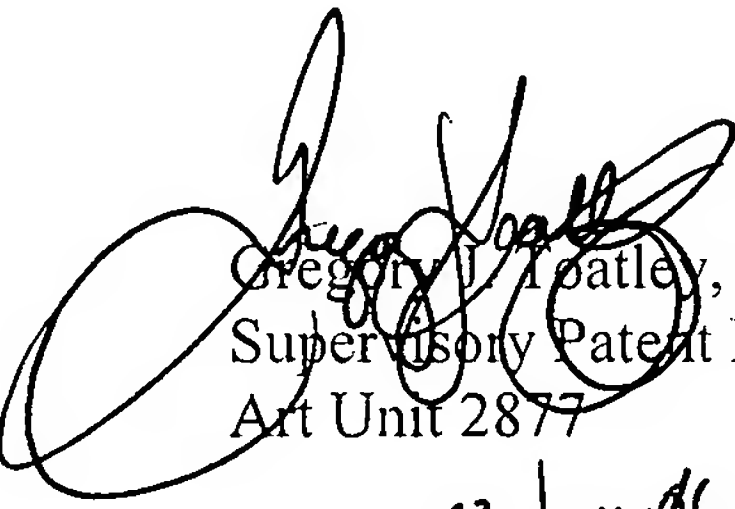
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD

gs

June 22, 2006


Gregory J. Toatley, Jr.
Supervisory Patent Examiner
Art Unit 2877
23 JUNE 06